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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/593,904	06/14/2000	Jarkko Sevanto	297-009503-US(PAR)	8306
2512	7590	01/11/2005	EXAMINER	
PERMAN & GREEN 425 POST ROAD FAIRFIELD, CT 06824			HO, DUC CHI	
			ART UNIT	PAPER NUMBER
			2665	

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/593,904

Applicant(s)

SEVANTO ET AL.

Examiner

Duc C Ho

Art Unit

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: Detailed description of the invention lacks a description of figure 3C.

Appropriate correction is required.

2. The abstract of the disclosure is objected to because it has more than one paragraph. Please delete "Fig. 3a" in the abstract page.

Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

3. Claims 1-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the amended limitations "one of the service type indicators defining a category" in line 8, and the limitation "that falls within a category" in line 12, both seems to lack an adequate support in the specification. The same remark applies to claims 11, and 15.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102(e) that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –
(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 1-6, 8-12, 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Cobo et al. (US 6,496,690), hereinafter referred as Cobo.

Regarding claims 1, 11, and 15, Cobo discloses a prepaid subscriber service for packet-switched and circuit-switched radio telecommunications networks.

For packet switched services, the activate PDP context request 81-fig. 4 is transmitted from the mobile terminal 15 to the SGSN 12. The request is used for activation of a new connection, and it includes a "prepaid" field or PPSC (prepaid subscriber class) 40-Fig. 5 (corresponding to a service type indicator field).

In other words, the PDP 81-fig. 4 includes a service type PPSC 40, which inherently includes an indicator value for a specific use (prepaid subscriber class, see col. 7, lines 11-43), and this information is forwarded to the SGSN 12 within the Activate PDP Context Request, see col. 6, lines 17-30.

Regarding claims 2, and 12, the subscriber type field uses the PPSC with value "01" of table 1- col. 5 indicating packet switched services, see col. 6, lines 10-16.

Regarding claim 3, the request 81-fig.4 is the activation request message, and the PDP type prepaid 40-fig. 5 is a service type indicator field.

Regarding claim 4, the request 81-fig.4 turns to a Create PDP Context Request 83-fig. 4, and the PDP type prepaid 40-fig. 5 is a service type indicator field.

Regarding claim 5, the request 81-fig.4 serves as a PDU Notification Request message, and the PDP type prepaid 40-fig. 5 is a service type indicator field.

Regarding claim 6, the request 81-fig.4 is the activation request message, which serves as a Request PDP Context Activation order, and the PDP type prepaid 40-fig. 5 is a service type indicator field.

Regarding claims 8, and 14, please see the rejection of claim 2, the value "01" of table 1-col. 5 indicates a specific use of using the packet switched network.

Regarding claims 9-10, the charging records-fig.5 generated by the SGSN and GGSN.

Allowable Subject Matter

7. Claims 7, and 13 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112 set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Response to Arguments

8. Applicant's arguments filed 3-15-04 have been fully considered but they are not persuasive. Cobo teaches the Activation PDP context request includes a prepaid field

Art Unit: 2665

or PPSC 40-Fig. 4-5 (prepaid subscriber class which corresponds to a service type indicator field).

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Yugawa(US 6,233,272); Nakano (US 6,052,405); Higashi et al. (US 6,026,115) are cited to show a receiving device for use in CDMA communications, which is considered pertinent to the claimed invention.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc Ho whose telephone number is (571) 272-3147. The examiner can normally be reached on Monday through Friday from 7:00 am to 3:30 pm.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu, can be reached on (571) 272-3155.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2665

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patent Examiner



Duc Ho

01-07-05